

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) CAUSE NO.: 1:17-CR-34-TLS-PRC
)
FRANCISCO ANDRADE-BAUTISTA,)
Defendant.)

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON PLEA OF GUILTY BY DEFENDANT FRANCISCO ANDRADE-BAUTISTA**

TO: THE HONORABLE THERESA L. SPRINGMANN,
UNITED STATES DISTRICT COURT

Upon Defendant Francisco Andrade-Bautista's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on October 4, 2017, with the consent of Defendant Francisco Andrade-Bautista, counsel for Defendant Francisco Andrade-Bautista, and counsel for the United States of America.

The hearing on Defendant Francisco Andrade-Bautista's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Francisco Andrade-Bautista under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Francisco Andrade-Bautista,

I FIND as follows:

(1) that Defendant Francisco Andrade-Bautista understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Francisco Andrade-Bautista understands his right to trial by jury, to persist

in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Francisco Andrade-Bautista understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Francisco Andrade-Bautista understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Francisco Andrade-Bautista has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Francisco Andrade-Bautista is competent to plead guilty;

(6) that Defendant Francisco Andrade-Bautista understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Francisco Andrade-Bautista's plea; and further,

I RECOMMEND that the Court accept Defendant Francisco Andrade-Bautista's plea of guilty to the offense charged in the Indictment and that Defendant Francisco Andrade-Bautista be adjudged guilty of the offense charged in the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Francisco Andrade-Bautista be adjudged guilty, a sentencing date before the presiding judge will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen days. 28 U.S.C. § 636(b)(1).

SO ORDERED this 4th day of October, 2017.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: Honorable Theresa L. Springmann